



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,864	06/02/2004	Kjell Ohlsson	7589.177.PCUS00	6565
28694	7590	11/07/2005		
NOVAK DRUCE & QUIGG, LLP 1300 EYE STREET NW 400 EAST TOWER WASHINGTON, DC 20005			EXAMINER LAZO, THOMAS E	
			ART UNIT 3745	PAPER NUMBER

DATE MAILED: 11/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/709,864

Applicant(s)

OHLSSON, KJELL

Examiner

Thomas E. Lazo

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,5-8 and 14-19 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 9-13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 June 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>6/23/05</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the shading reduces the legibility of the drawings when reproduced. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5-8, and 14-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Takahashi (JP 2000074292 A). Regarding claims 1 and 5-8, Takahashi discloses in figure 10 a device for delivering lubricant to a lubrication point 14, a reservoir 59 for lubricant connected to the lubrication point 14, control means 56,20,21 for controlling the delivery of lubricant to the lubrication point 14 depending on the pressure in an hydraulic circuit 53 connected to the device, a valve arrangement 60,61 connected between the reservoir 59 and the lubrication point 14 for controlling the delivery of lubricant, wherein an elastic element is arranged to open a valve 60

Art Unit: 3745

forming part of the valve arrangement in the event of a pressure drop, the valve arrangement 60,61 further comprises a chamber B connected to the reservoir 59 configured for containing lubricant and flow-control means 60,61 for producing a one-way flow of lubricant through the chamber B, the flow-control means 60,61 further includes a first non-return valve 60 connected to the reservoir 59, a second valve 61 in the form of a non-return valve arranged at an inlet to a duct 58 connected to the lubrication point 14 and the chamber B is arranged between the first non-return valve 60 and the second non-return valve 61.

Regarding claims 14-19, Takahashi discloses a method for automated delivery of lubricant to a pivot connection between an hydraulic piston-cylinder arrangement and an incorporating piece of construction equipment, by automatedly delivering lubricant from a lubricant reservoir 59 to the pivot connection 14 between the piston-cylinder arrangement and the incorporating piece of construction equipment based on a pressure variation in the piston-cylinder arrangement, delivering lubricant from a lubricant reservoir 59 to the pivot connection 14 based upon detection of a predetermined duty cycle of the piston-cylinder arrangement, delivering lubricant from a lubricant reservoir 59 to the pivot connection 14 based upon pressure-pulse detection in the piston-cylinder arrangement representative of an extension-contraction cycle of the piston-cylinder arrangement, controlling the delivery of lubricant to the pivot connection to times when balanced distribution of lubrication is facilitated based on the relative orientation existing between the piston-cylinder arrangement and the incorporating piece of construction equipment, wherein the predetermined duty cycle of the piston-cylinder arrangement includes a plurality of hydraulically actuated extensions and retractions of the

Art Unit: 3745

piston-cylinder arrangement, and the detection of a predetermined duty cycle of the piston-cylinder arrangement is based on sensed hydraulic pressure changes in the piston-cylinder arrangement. See paragraphs [0089]-[0095].

Allowable Subject Matter

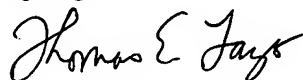
Claims 2-4 and 9-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Contact Information

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thomas Lazo whose telephone number is (571) 272-4818. The examiner can normally be reached on Monday-Friday from 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Edward Look, can be reached on (571) 272-4820. The fax phone number for this Group is (571) 273-8300.

Any inquiry of a general nature or relating to status of this application or proceeding should be directed to the Patent Application Information Retrieval (PAIR) system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.



Thomas E. Lazo
Primary Examiner
Art Unit 3745

TEL

November 2, 2005